

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
December 11, 2013

REGULAR MEETING

Darien Town Hall - Room 206 – 7:47 to 8:55 PM

ZBA members present: Chuck Deluca, Gary Greene, Vic Capellupo, Rich Wood, Jeff Williams and Ruth Anne Ramsey

Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy Fazekas

OPENING

ZBA Chair Chuck Deluca opened the meeting at 7:47 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

CONTINUATION OF PUBLIC HEARING

The following hearing was continued from the November 13, 2013 meeting:

CALENDAR NO. 56-2013 - the application of William I. Haslun, II, Esq., and Ivey, Barnum & O'Mara, LLC on behalf of PR Partnership, LLC doing business as Giovanni's - Water's Edge submitted on August 14, 2013 for variances of Sections 381-387, 406, 904 and 927 of the Darien Zoning Regulations; to allow the construction of a one and one half story entry canopy addition, modification of the front dropoff, parking, and landscape areas, and the installation of signage; Sections 381-387: enlargement of a non-conforming building and intensification of a non-conforming use; Section 406: 8.9 in lieu of 30.0 feet minimum required front yard setback and 21.2 in lieu of 20.0% maximum allowable coverage; Section 904: expansion of gross floor area with a possible reduction from the approximately 33 valid parking spaces on a property with deficient existing parking quantity; and Section 927: installation of commercial use ground signage in a residential zone. The property is situated on the south side of the Boston Post Road opposite the intersection of Brookside Drive and is shown on Assessor's Map #54 as Lot #35, being 2748 Boston Post Road and located in an R-1/3 (residential) Zone.

A committee report was reviewed and accepted for presentation to the applicant.

The Public Hearing of this proposal was then continued to the January 15, 2014 meeting at the applicant's request.

PUBLIC HEARINGS

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 68-2013 - the application of Alan Kaufman and Kaufman LLC on behalf of Rosemarie/Scott Reardon regarding the property of James/Janeen Eckert submitted on August 30, 2013 for an appeal of a Planning and Zoning Commission decision per Darien Zoning Regulations Section 1126(a); the ZBA should vacate the July 30, 2013 Planning and Zoning Commission decision and instruct it to undertake the town wide inventory mandated by the DEEP, and after the subsequent adoption of clear guidelines and regulation by the Planning and Zoning Commission, the Eckerts should be permitted to reapply. The subject property is an interior lot accessed from a common drive situated on the east side of Long Neck Point Road approximately 450 feet south of the south intersection with Pear Tree Point Road and is shown on Assessor's Map #61 as Lot #3, being 165 Long Neck Point Road and located in an R-1 (residential) Zone.

Chairman Deluca noted that the applicant was not present for this hearing. Attorney Bob Maslan, representing the Eckerts, questioned and opposed the appeal. The ZBA then determined to continue this hearing to the January 22, 2014 meeting at the applicant's request.

CALENDAR NO. 69-2013 - the application of Richard Vail and Faesy-Smith Architects on behalf of Patricia Porter submitted on November 13, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a one and one half story two car garage/pool room above addition; Section 406: 34.0 in lieu of 50.0 minimum required Hollow Tree Ridge Road front yard setback. The property is situated on the southwest corner of the intersection of Ox Ridge Lane and Hollow Tree Ridge Road and is shown on Assessor's Map #7 as Lot #48, being 70 Ox Ridge Lane and located in an R-2 (residential) Zone.

Architect Richard Vail answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 70-2013 - the application of Christopher & Carol Rooney submitted on November 14, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of front porch and second story additions; Section 406: 9.8 in lieu of 14.9 feet minimum required side yard setback. The property is situated on the east side of the extension of Forest Road approximately 100 feet south of the intersection with Intervale Road and is shown on Assessor's Map #24 as Lot #100, being 10 Forest Road and located in a R-1/3 (residential) Zone.

Chris Rooney provided an updated survey. Mr. Rooney and Builder Chris Bolton answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

DELIBERATIONS AND DECISIONS

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

CALENDAR NO. 69-2013 - The application of Richard Vail and Faesy-Smith Architects on behalf of Patricia Porter, 70 Ox Ridge Lane. Upon a motion by Chuck Deluca, seconded by Gary Greene, the ZBA voted 5-0 to DENY the above delineated, requested variance.

CALENDAR NO. 70-2013 - The application of Christopher & Carol Rooney, 10 Forest Road. Upon a motion by Jeff Williams, seconded by Gary Greene, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance.

OTHER BUSINESS

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Approval of Minutes of meeting on October 23, 2013. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey, and Rich Wood.

Upon a motion by Jeff Williams, seconded by Vic Capellupo, the ZBA voted 5-0 to APPROVE the subject minutes.

ADDITIONAL OTHER BUSINESS

Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to add to the agenda the following items for consideration:

Requested amendment to the approved plans of Calendar No. 57-2012, Mark & Heather Wright, 26 Waverly Road.

Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to APPROVE the requested modification.

Requested amendment to the approved plans of Calendar No. 15-2013, Matt & Ashley Cole, 23 Chestnut Street.

ZBA staff reported that no plans for the amendment were received. Therefore the matter was tabled for possible consideration at the next meeting on January 15, 2014.

Status of compliance with approved plans and stipulations of Calendar No. 34-2013, Richard & Wendy Hokin, 25 Shipway Road.

ZBA staff reported on project site circumstances. The matter was then tabled for possible consideration at the next meeting on January 15, 2014.

ADJOURNMENT

Upon a motion by Chuck Deluca, seconded by Jeff Williams, and a ZBA vote of 5-0, the meeting was adjourned at 8:55 PM.

These Meeting Minutes,
Respectfully submitted December 12, 2013
by Robert Woodside,
Code Compliance Officer
ZBA Staff

These Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by Vic Capellupo, seconded by Chuck Deluca, approved by a vote of 5-0 at the ZBA meeting on February 12, 2014.